

INDIANA PROBATION SAFETY AND SECURITY

JUDICIAL CONFERENCE of INDIANA

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Caveat

The procedures and recommendations suggested in this manual were compiled from various Federal, State, and County agencies.

This is not an official publication of the Indiana Supreme Court, nor should it be considered an authoritative statement of Indiana Law. The forms and procedures set forth in this manual have not been approved or endorsed by the Indiana Supreme Court. These are recommendations by the Judicial Conference of Indiana for standards in this area.

PREFACE

This guide is written in a manner that allows individual probation departments to adopt, edit, delete and/or tailor the different chapters to the needs and philosophies of that department. This document is intended to provide policies and procedures that provide a safer and more secure work environment for probation in Indiana.

In the unfortunate event of a Probation Safety incident, please complete the form located on the last page of this guide. This form provides information that may be used in the evolution of safety and security policies, procedures and training.

Should the reader have questions about the content of this guide, the reader should contact the Indiana Judicial Center.

Table of Contents

Chapter 1:	Physical Security	Page 1
Chapter 2:	Telephone Threats	Page 4
Chapter 3:	Suspicious Packages and Letters.....	Page 5
Chapter 4:	Home Visits/Field Contacts	Page 6
Chapter 5:	Use of Force/Weapons	Page 10
Chapter 6:	Body Armor	Page 18
Chapter 7:	Search and Seizure	Page 20
Chapter 8:	Warrant Service/Arrest	Page 25
Chapter 9:	Transportation	Page 27
Appendix A	Staff Emergency Information.....	Page 29
Appendix B	Verification of Receipt of Manual, Agreement to Comply with All Requirements, and Request to Carry A Weapon	Page 30
Appendix C	Order Authorizing the Carrying of a Weapon in the Performance of Official Duties	Page 31
Appendix D	Verification of Receipt of Manual and Request To Not Carry A Weapon	Page 32
Appendix E	Indiana Probation Safety Incident Report	Page 33

CHAPTER 1

PHYSICAL SECURITY

INTRODUCTION

Physical security is the physical measures designed to safeguard personnel, to prevent unauthorized access to material (equipment, facilities, and documents) and to protect against sabotage, damage and theft. You must realize physical security is proactive, while law enforcement is reactive. It is also important to remember that no two physical security plans are the same because each facility and agency will have unique building styles, employment policies and procedures and available finances. However, a comprehensive physical security survey by a qualified certified individual would assist in the development of a customized plan for a particular agency.

PERIMETER AND PARKING SECURITY

Most buildings have regular entrances and exits, emergency exits, and special entrances for delivery of mail and freight. Many have entrances and exits for parking. Some are linked to other buildings by pedestrian ramps. All of these entrances and exits form the first line of security, known as "perimeter defenses".

- A. Court employees can bolster the perimeter defenses by taking a number of easy, common-sense precautions:
 - 1. Use only authorized entrances and exits.
 - 2. Do not use fire exits or freight exits except in emergencies. Using emergency exits in non-emergency situations may allow criminals access to the building. i.e., Improper use of an emergency exit allows opportunities for assailants to gain access to a remote part of the building.
 - 3. Request the removal of any vegetation that obscures the view of entrances or parking spaces.
 - 4. Do not use marked parking spaces (judge, probation office, etc.). Remove all name signs and do not identify reserved parking areas by the name of an authorized official.
 - 5. Install appropriate lighting at all entrances.
- B. When parking in a garage or at a designated parking lot, promptly report suspicious matters to security including:
 - 1. Someone trying to gain entry to parked cars.
 - 2. Anyone carrying suspicious packages into the parking area.
 - 3. Any darkness in the parking area that may assist a criminal planning an assault, robbery or other crime.

4. Anyone who appears to be seeking unauthorized entry into the parking area or to entrances to the building.
- C. If your building has a security station in the lobby, always display your building identification card.
1. Never use your employee identification card to obtain access into the building for visitors, guests, or relatives.
 2. Never loan your employee identification card to anyone
 3. Promptly report loss or theft of employee identification cards
 4. Never take unauthorized weapons, replicas of weapons, or facsimiles of bombs into the building.
 5. Promptly notify security if you see emergency exits standing open or windows or doors broken in any part of the building.

BUILDING SECURITY

Safety begins in the office. Most of us spend the better part of our hours in an office setting. It is important that all employees support a comprehensive security program by safeguarding themselves and colleagues inside the all areas of the building.

A. Administrators/Managers can play an important role by taking these steps:

1. Install deadbolt-locking devices on office doors leading to hallways and other public areas.
2. Issue and control all keys, conduct semiannual inventories of the keys, and have locks changed when keys are missing.
3. Have offices cleaned during the day. Ensure that cleaning personnel do not have access to security alarms and do not have authorization to turn them on or off.
4. Maintain an emergency contact file for employees in each work area with emphasis on special medical concerns. (Appendix A)
5. Contact your county health department for information on exposure to bloodborne pathogens.
6. A good duress alarm system including 24-hr. monitoring by law enforcement should be available at all work areas.
7. Post emergency evacuation procedures in all work areas and familiarize these procedures to all employees.
8. An emergency lighting system or back-up power system should be available.
9. Separate employees from any client waiting areas with a secure barrier.

B. All employees can help with safety and security by taking an active role in the following:

1. Know the location of emergency alarms in the office and know how to use them.
2. Deny visitor access to secure areas if you are "uncomfortable" with the purpose of their visits or there appears to be a problem.

3. Do not admit unexpected repair people or delivery persons without checking with your office manager to verify they have a right to be in a work area.
4. Ask strangers in your work area for identification or promptly call security. Write down a description and where you last saw them.
5. Keep security doors locked at all times, especially those leading from public areas into secure areas.
6. Keep important files in locked security cabinets.
7. Keep all valuables including office money in locked security cabinets.
8. Be aware of personal items (family pictures, etc.) in their office and remove from view of visitors.
9. If you must work alone be sure someone else knows where you are, and when you will leave. Establish a system of regular telephone checks to ensure your well being.
10. When alone, open outer door only to known persons. Others can call the office to discuss business.
11. If working after hours, keep all doors locked-even in secure areas. Never "advertise" you will be working alone. Assailants often hide in women's restrooms. Look into corners before fully entering the restroom. Check stalls if possible. After hours, women should always go to restrooms in pairs, if possible. If alone, use the restroom while other employees are still in the office.
12. Be alert for strange objects and packages, which can be discovered more easily if offices are neat and orderly.
13. Never touch or disturb a strange package or briefcase found in your work area. Call security at once.
14. Arrange the placement of any office furnishings to allow escape in an emergency.
15. Officers should be aware of potential weapons in their offices and on their desks and keep them away from anyone visiting the office.
16. Make sure windows are locked.
17. Avoid placing hazardous items in desk drawers, i.e. razor blades and knives, etc.

EMERGENCY PROCEDURES

Six types of emergencies including fire, bomb threat, general evacuation, natural disaster, civil disorder, and power/utility failures, need to be addressed in any complete security plan. Many jurisdictions need not develop procedures for floods or earthquakes, but if the potential for a particular hazard does exist, a written plan can best direct staff to a pre-approved response plan. Emergency procedures should be written and distributed to all staff members to increase the chances of saving lives and reducing injuries. Written emergency procedures will also allow control over potentially disruptive incidents with minimum delay. Emergency procedures should be simple and easy to carry out and are most effective when key personnel are fully aware of their responsibilities and are properly trained in the procedures.

CHAPTER 2

TELEPHONE THREATS

Receiving a telephone threat is an unnerving experience. However, there are ways to minimize personal fear yet gather valuable information to help identify the person making the threat. Try to write down exactly what the caller says.

Special attention should be made to the caller's references to:

- a. names of individuals
- b. time or nature of threatened assault
- c. locations and times of purported bombs or confrontation.
- d. names of those whom the caller intends to harm.

It may seem hard to believe, but sometimes the caller will respond to questions and unwittingly provide valuable information. Telephone threats should be reported on the Indiana Probation Safety Incident Report forms. (Appendix E)

Telephone/Bomb Threat

The value of being prepared cannot be overemphasized. By developing a bomb incident plan and considering possible bomb incidents you can reduce the potential for personal injury and property damage. The bomb incident plan provides detailed procedures to be implemented when a bombing attack is executed or threatened. The physical security plan should discuss security measures to protect against bomb attacks.

In considering whether to increase security for your building or officer it is recommended that you consider the following:

- * Contact your local law enforcement agency for guidance regarding a specific plan for the facility

CHAPTER 3

Suspicious Packages and Letters

If you see a suspicious object, call security or law enforcement at once. Never touch or disturb a suspicious package or object; err on the side of caution. Do not feel foolish to report a suspicious object. Those who ignore identifiers on suspicious packages may be risking their own lives and the lives of co-workers.

The following are some clues to a suspicious object:

- * Oily stains or discoloration.
- * Excessive weight.
- * An envelope that is rigid.
- * Wires or tinfoil protruding from package or envelope.
- * Excessive masking tape, string, or other wrappings.
- * Strange odor.

CHAPTER 4

HOME VISITS/FIELD CONTACTS

INTRODUCTION:

Probation officers are charged with insuring compliance with court orders. Probation officers often measure compliance by meeting with the probationer in the probation department. While tools (i.e. urine screens, electronic monitoring, etc.) are available to the probation officer to expand surveillance and increase accountability, these meetings provide a very limited view of the probationer. Through unscheduled Home Visits/Field Contacts to the probationer's home or place of employment the probation officer can get a more complete view of the probationer.

PREPARING FOR A HOME VISIT/ FIELD CONTACT:

- A. The Probation Officer reviews the probationer's file and checks the following:
 - 1. Last known address
 - 2. Others who may be living in the home
 - 3. Address of last known employment and work hours
 - 4. Prior record, especially crimes of violence
 - 5. Prior psychological treatment/illness
 - 6. Description and plate numbers of automobiles used by probationer
- B. The Probation Officer determines the purpose for the Home Visit/Field Contact.
 - 1. Home Visits/Field Contacts may be conducted for the purpose of general information gathering and compliance monitoring, (this Chapter) or
 - 2. Home Visits/Field Contacts may be conducted for the purpose of specific information gathering and evidence collection, through search and seizure of the probationer's property. (See Search and Seizure Chapter)
- C. The Probation Officer determines what personnel are necessary to conduct the Home Visit/Field Contact.
 - 1. It is strongly suggested that Probation Officers conduct Home Visits/Field Contacts in teams of two. (Preferably male/female teams.)
 - 2. Local Law Enforcement may be contacted and assistance requested if the Probation Officer(s) conducting the Home Visit/Field Contact so desire.
 - 3. If local Law Enforcement provides assistance, the Probation Officer(s) conducting the Home Visit/Field Contact shall inform and explain to Law Enforcement their role in the visit/contact. It is important that Law Enforcement understand the Probation officer(s) are in charge of the visit/contact and are entering the home under the authority of the Court.
- D. The Probation Officer determines what equipment is necessary to conduct the Home

Visit/Field Contact.

The following are mandatory equipment:

1. All Probation Officers conducting Home Visits/Field Contacts shall have in their possession a badge and/or County-issued identification.
2. Cellular Telephones and/or police band radios may be carried.

The following are suggested equipment:

1. Jackets or other forms of readily visible identification may be worn. If visible identification is not worn, consideration may be given to "hidden agenda" jackets or other means of identification that can quickly be displayed should an emergency develop.
2. Body armor may be worn.
3. Weapons; whether blunt force, stun guns, mace/pepper spray, or firearms may be carried if departmental policy allows and appropriate training has been completed.
4. Department identification, defendant photo, urine collection kits, portable breath testing devices, field test kits, evidence collection kits, latex gloves, camera, flashlight, are recommended as standard Home Visit/Field Contact equipment.

E. The Probation Officer submits a written list of the addresses and names of probationers for proposed Home Visits/Field contacts.

1. If the probation officer is not going to return to the office, the probation officer shall notify the department upon completion of Home Visits.
2. The list shall be in the order in which the contacts are to be made.
3. The list shall be grouped in such a manner as to encourage efficient use of resources.

CONDUCTING A HOME VISIT:

A. The Probation Officer approaches the home and initiates the home visit with safety as a concern.

1. Prior to approaching the home, a drive-by of the residence shall be conducted looking for evidence of people in the home, the location of neighbors or other bystanders, the possibility of unrestrained dogs, and any indications of suspicious or dangerous activity.
2. The Officer's automobile shall be parked in a location which is readily accessible should the Officer need to flee the residence. Automobiles should be backed into rural home driveways, which provide the immediate ability to flee.
3. Depending upon the neighborhood, the Officer may consider leaving the vehicle unlocked to provide easy access and shall be aware of the location of the vehicle's keys.
4. The Officer may park near the home and then call the residence to: determine if someone is home, observe activity, and/or request the probationer to come to a location outside of the home such as the front porch or sidewalk. (*67 may be used prior to placing calls to block caller I.D.)

5. Upon approaching the home, the Officer shall have identification available, and avoid standing directly in front of the door or windows of the residence.
- B. The Probation Officer enters the home understanding that he/she is entering the environment of the probationer.
1. If the probationer answers the door, the Probation Officer shall offer identification and explain the purpose and nature of the visit. If someone other than the probationer answers the door, the Probation Officer shall request to speak to the probationer.
 2. If entry is allowed, the Probation Officer shall immediately conduct a cursory visual search of the immediate area, identifying potential weapons, other occupants of the home, and potential escape routes.
 3. If no other occupants are visible, the Probation officer shall ask the probationer if there are other occupants in the home and personally identify their locations.
 4. Preferably, all occupants shall be placed in a central location where they can be observed. Although other occupants are not under probation authority they can still be asked to remain with you or leave while you are talking with the probationer.
 5. If there are audible or visual distractions such as televisions, stereos, etc., the Probation Officer shall request these devices be turned off.
 6. If there are potentially vicious animals in the home, require the animals be secured outside of the home.
 7. If evidence of new criminal activity and/or contraband is viewed during the home visit, the Probation Officer may exercise the option to seize the evidence and/or may wish to enlist the assistance of local law enforcement. If safety is a concern, you should leave the home immediately and plan an appropriate course of action. (See Search and Seizure Chapter)
 8. If evidence is seized, the evidence shall be stored appropriately and chain of custody issues shall be addressed.
- C. The Probation Officer interviews or questions the probationer in a controlled atmosphere.
1. The Probation Officer shall establish an authoritarian but courteous rapport with the probationer and other occupants of the home.
 2. Do not threaten, intimidate, or otherwise confront the probationer in a manner that could escalate to violence.
 3. Either sit or stand near an exit. The Probation Officer should never allow the probationer to sit or stand at a higher (over) level than them.
 4. Observe the probationer at all times paying particular attention to the location of his/her hands.

IDENTIFYING PROBLEMS AND IMPLEMENTING DAMAGE CONTROL:

The Probation Officer **shall immediately retreat** from the home if the probationer or other occupants of the home become hostile or violent or the Probation Officer believes his or her safety is compromised.

1. If retreat is not possible, the Probation Officer may use reasonable force to protect him/herself or others.
2. If a violent incident occurs, the Probation Officer shall immediately notify law enforcement of the incident.
3. All incidents of violent behavior by probationers towards Probation Officer(s) shall be reported to the Chief Probation Officer or immediate supervisor and addressed through revocation proceedings with the court.
4. An Indiana Probation Safety Incident Report shall be filed at the Indiana Judicial Center

CHAPTER 5 USE OF FORCE/WEAPONS

INTRODUCTION:

- A. The purpose of these written guidelines are to provide Probation officers an explanation of the Department's policies and procedures related to the authorization, discharge and carrying of weapons. The term "weapons" as used in this guide shall be defined by individual department policy. Weapons may include, but are not limited to, firearms, chemical defense spray, stun-gun/laser, and blunt force instruments.

The Probation Department and each of its members have been granted extensive powers to meet responsibilities. Citizens ultimately grant these powers, and the Department and each of its members are accountable to citizens for the manner in which these powers are exercised. This is especially true where the use of deadly force is concerned.

However, not all force needs to be violent. Officers need to be aware of and educated in nonverbal communication so they will be able to recognize and evaluate the merits and messages of nonverbal semantics based on an individual analysis. While it would be difficult to identify all the nonverbal dimensions, it must be understood that these dimensions exist in every culture. The patterns and forms of nonverbal communication are often arbitrary. Nonverbal interaction is a part of every encounter between two or more persons and should signify the importance and need for additional training.

- B. **The laws of Indiana define "Deadly Force" as "force that creates a substantial risk of serious bodily injury."** See Ind. Code 35-41-3-2 on p. ____.

The guidelines regarding the use of chemical defense sprays, firearms, or other means of deadly force must be viewed as administrative guidelines for decision making before the fact and not as a standard for civil and criminal litigation judging the propriety of actions already taken.

Probation Departments value the safety of the public and its employees, but believes chemical defense sprays, firearms, or other weapons should be used only with a high degree of restraint. Therefore, it should be policy of a department that the use of chemical defense sprays and firearms is never to be considered routine, is permissible only in defense of life, and then only after alternative means have been exhausted.

THE USE of FORCE CONTINUUM*

	Shoot/Strike Draw/Point Weapon Hand on Weapon Verbal Warning	Overt Hostility Actions will probably cause death or serious physical injury
Firearm/ Lethal Force	Various Defense Tactics	Actions are aggressively offensive and may cause physical injury
Empty-Hand Control	Use Cap-Stun Present Cap-Stun Hand on Cap-Stun Verbal Warning	
Cap-Stun		
Verbal	Heavy Control Subject is cooperative in (Warning) Crisis Diffusion Light Control (Advise) Persuasion Questioning & Assessment	RESISTANCE Subject is cooperative response to direction
Presence	Defensive Stance Interview Stance	COMPLIANCE

* ISP Training Manual

C. WEAPONS POLICY:

Judges should adopt a use of force policy. The following is a sample policy when a Probation Officer may carry a weapon. Probation Officers should adhere to the policy:

"It is the policy of the _____ Court(s) that Probation Officers are permitted to carry a weapon in the performance of their official duties if such duties subjects Probation Officers to serious risk of physical harm. Whenever practical, law enforcement officers should accompany probation officers in the performance of official duties that present a serious risk of physical harm."

A probation officer may be permitted to carry a weapon under the following conditions:

1. Local, State and Federal law permits the carrying of a weapon.
2. The Probation Officer has obtained all necessary licenses or permits required for the carrying of a weapon. In Indiana a Personal Protection Handgun License must be obtained to carry a handgun.
3. The Probation Officer has presented to the Chief Probation Officer a "Verification of Receipt of Manual, Agreement To Comply With All Requirements, And Request to Carry A Weapon. " (Appendix B).
4. The Probation Officer has completed an approved weapons training program and has proved proficiency with the requirements of the training program.
5. The Judge(s) of the Court(s) have issued a Court Order specifically authorizing each requesting Probation Officer to carry the weapon (Appendix C).
6. If a Probation Officer does not want to be authorized to carry a weapon in the performance of his/her official duties, the Probation Officer shall submit to the Chief Probation Officer a "Verification of Receipt of Manual and Request To Not Carry A Weapon " (Appendix D).

In addition, Probation Officers who wish to carry a weapon should abide by the following conditions:

1. A Probation Officer who has been granted permission to carry a weapon in the performance of his or her duties, shall use the same only in the exercise of his rights of self-defense in accordance with Indiana Law. See Ind. Code ____.
2. A Probation Officer who unholsters, displays, uses or discharges a weapon, while in the performance of his/her duties, shall file a written report with the Chief Probation Officer within twenty-four (24) hours describing in detail the occasion.
3. The type of weapon shall meet with the court's approval.

4. The court may revoke permission to carry the weapon in the performance of duties at any time.
5. A Probation Officer shall not carry a weapon under any circumstances, while using alcohol, illegal drugs, or medication affecting normal mental or physical functions.
6. No weapon provided by the Probation Department is to be carried while off-duty.

NOTE: Authorization to carry a weapon does not provide immunity from civil or criminal liability should it be determined the probation officer acted outside the scope of his or her authority or state statute.

D. LIMITATIONS ON USE OF WEAPONS:

1. Probation Officers shall exhaust every reasonable means of personal protection before resorting to the use of deadly force.

Use of force shall be in strict compliance with:

IC 35-41-3-2 "Use of Force to Protect Person or Property"

(a) A person is justified in using reasonable force against another person to protect himself or a third person from what he reasonably believes to be the imminent use of unlawful force. **However, a person is justified in using deadly force only if he reasonably thought that force is necessary to prevent serious bodily injury to himself or a third person or the commission of a forcible felony.** No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting himself or his family by reasonable means necessary.

(Subsections b and c are not applicable)

(d) Notwithstanding subsections (a), (b), and (c) of this section, **a person is NOT justified in using force if:**

- (1) He/she is committing, or escaping after the commission of a crime;
- (2) He/she provokes unlawful action by another person, with intent to cause bodily injury to the other person; or
- (3) He/she has entered into combat with another person or is the initial aggressor, unless he withdraws from the encounter and communicates to the other person his/her intent to do so and the other person nevertheless continues or threatens to continue unlawful action. [Emphasis added]

2. Deadly force shall not be used by a Probation Officer to prevent the escape of a felon.
3. Probation Officers shall only draw and/or display a weapon under circumstances which would cause the Officer to reasonably believe the use of a weapon is justified.
4. **Evidence justifying the use of deadly force shall be limited to what reasonably appears to be the facts known or perceived by the Probation Officer. Other and/or new evidence, no matter how compelling, shall not be considered at a later date to justify the use of deadly force.**

E. PROHIBITED USE OF WEAPONS:

1. Probation Officers shall not use weapons when doing so may endanger innocent persons, unless, the use of deadly force is necessary to protect the life of the Officers or others.
2. Probation Officers shall not use weapons to threaten or subdue persons whose actions are destructive to property or injurious to themselves but which do not represent an imminent threat of death or serious bodily injury to the officers or others.
3. Probation Officers shall not use firearms at or from a moving vehicle unless it is absolutely necessary to do so to protect the life of Officers or others.
4. Probation Officers shall not use firearms as warning shots.
5. Probation Officers shall not use weapons on animals unless to prevent substantial harm to the officer or another.
6. Probation Officers shall not carry weapons to social events or athletic activities where the security of the weapon may be compromised by leaving it in automobiles, lockers, or other temporary storage facilities
7. Probation Officers shall not surrender a firearm to a suspect unless every other tactical tool for survival has been utilized. A Probation Officer may be at the mercy of an armed suspect who has the advantage; however, experience has shown the danger to an Officer is not reduced by giving up control of a firearm.

F. RESPONSE TO USE OF A WEAPON:

1. All weapons used by a Probation Officer, except for training purposes, shall be immediately reported to local law enforcement and the chief probation officer. If a use occurs in a jurisdiction outside that of the Probation Department, the law enforcement agency with jurisdiction in the area where the use occurred shall be notified

2. If the use of a weapon by the probation officer results in an injury or fatality, the Probation Officer shall:
 - a. Secure the assailant's weapon, if there is one.
 - b. Notify emergency medical services of the injury.
 - c. Administer first aid.
 - d. Notify law enforcement agencies consistent with subsection F, immediately above.
 - e. Notify the Chief Probation Officer.
 - f. Remain at the scene until investigators arrive and authorize the Probation Officer to leave, unless circumstances are such that remaining at the scene might cause a more hazardous situation to develop (i.e. violent crowd).
 - g. Protect the weapon for examination purposes and, if requested, submit the weapon to the appropriate investigator.
 - h. Until authorized by the Chief Probation Officer, make no statement about the incident except to investigators.
 - i. Complete a detailed report of the incident.
3. If the use of a weapon results in an injury or fatality, the Chief Probation Officer shall:
 - a. Notify the Court(s) and Judge(s).
 - b. Notify the weapons instructors of the training agency.
 - c. Notify the County Attorney.
 - d. Notify personnel of the Weapons Review Board.

G. DEADLY FORCE REVIEW PROCEDURE:

1. Psychological Services:

In all cases where a person has been injured or killed as a result of force used by Probation Officer, the involved officer may be required to undergo an interview with a department provided

psychologist. The purpose of this interview will be to allow the Officer to express his/her feelings and to deal with the moral, ethical, and/or psychological effects of the incidents. The involved Probation Officer shall sign a medical release of information allowing for exchanges of information between the Chief Probation Officer and department provided psychologist. Information obtained from the interview shall not be used in any official investigation of the incident but may be used by the Chief Probation Officer for policy purposes.

2. Administrative Leave:

Any Probation Officer directly involved in a deadly force incident may be placed on "Administrative Leave" directly upon completion of his/her preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of any investigations. The assignment to "Administrative Leave" shall not be interpreted to imply or indicate the officer has acted improperly. While on "Administrative Leave" the officer shall remain available at all times for department interviews and statements regarding the shooting incident and may be recalled to duty at any time. The officer shall not discuss the incident with anyone except appropriate department personnel; the prosecutor's office, a psychologist, the officer's private attorney, the officer's chosen clergy, and the officer's immediate family.

3. Weapons Review Board:

- a. The membership of the Weapons Review Board may consist of:
 - a.) A Weapons Instructor for the training agency.
 - b.) The County Sheriff or his/her designee.
 - c.) One or more Judges with jurisdiction over the Probation Department.
 - d.) The Chief Probation Officer.
- b. The Weapons Review Board shall make a complete, impartial investigation into the circumstances surrounding the weapons incidents.
- c. Incidents subject to investigation by the Weapons Review Board shall include, but are not limited to the following:
 - a.) Discharge of a firearm.
 - b.) Loss of firearm.
 - c.) Incidents of physical violence.
 - d.) Animal attacks.
- d. All findings of the Weapons Review Board involving the use of deadly force shall be reduced to writing with one (1) of the following determinations:

- a.) The use of deadly force was justified, proper and in compliance with Departmental Policy and State Law.
- b.) Actual mechanical malfunction.
- c.) The use of the weapon was in violation of department policy, but in compliance with state law.
- d.) The use of the weapon was in violation of departmental policy and state law.

CHAPTER 6

BODY ARMOR

There are many benefits of wearing body armor, along with a few limitations of which all officers should be aware. Body armor is available in various levels of protection to accommodate the range of ballistic threats facing wearers. It can be worn as a concealable undergarment; incorporated into a uniform shirt, vest, coat, or other type of outer garment; or worn over the uniform and easily recognizable. Many body armor models are available in a variety of coverage - some armor panels cover the front and back of the torso, while others also wrap around the sides. Ballistic panels can be removed from the carrier on some models so the carrier can be thrown into the washing machine. There are numerous types of ballistic materials from which officers can choose.

Remember: No body armor is bulletproof. Manufacturers rate armor in accordance with the National Institute of Justice standard threat levels. Although listed body armor will generally protect against bullets identified by manufacturers at those specific threat levels; the armor could be penetrated if impacted by a bullet of a higher threat level. Bullets may also penetrate armor when the impact is too close to the edge of the armor or too close to another impact.

Some guidelines to follow for safe use of body armor include:

1. If you carry firearms, the threat level of your body armor should be equal to or greater than the level of the firearm.
2. Hard or tactical armor, designed to defeat rifle bullets, incorporates metal or ceramic plates and is generally too heavy, bulky, and conspicuous for routine wear.
3. Be sure to read the label on your body armor. Familiarize yourself with its level of protection. Labels on National Institute of Justice listed armor must identify designated levels of protection and warn if the armor does not protect against rifle fire or sharpened or pointed instruments. Manufacturers may also add additional safety instructions or information to labels.
4. Read and retain for future reference any safety literature accompanying your armor.
5. Follow care and maintenance instructions to ensure your armor's intended performance.
6. Seek medical attention if you are shot while wearing your armor - even if the bullet does not penetrate. Even though your armor may protect you against blunt trauma from non-penetrating bullets, internal injuries requiring medical attention may still result.
7. Replace your armor immediately, if it has been impacted by a bullet or damaged in any way. Some manufacturers replace armor free of charge if they are provided with official documentation concerning the incident.
8. Make sure your vest's level of protection corresponds to the types of threats you face on the job and that your vest protects against your own weapon and ammunition.
9. Proper fit aids in your armor's effectiveness and comfort.
10. Conduct visual inspections of your armor.
11. Become educated about proper cleaning methods for your armor.
12. Follow the inspection/replacement procedures recommended by the manufacturer and your department.

13. Keep manufacturer addresses and telephone numbers handy.
14. **Wear your body armor.**

CHAPTER 7

SEARCH AND SEIZURE

INTRODUCTION:

The goals of probation supervision can be broken down into two basic categories: supervision of the probationer and protection of public. In meeting these goals, the Probation Officer has historically been granted the discretion and authority to execute warrantless searches and seizures of probationers' property, often referred to as "administrative searches and seizures". Even though conditions of probation authorizing such searches have been routinely ordered by Courts, there is little legislation or case history which defines policy and procedure towards the searches in the State of Indiana. There are however, two (2) State of Indiana cases, substantial case history from other States including Federal Court of Appeals decisions, and one United States Supreme Court decision which provides the foundation for developing a policy and procedure chapter.

REQUIREMENTS:

Pursuant to guidelines adopted by the Court(s), a search of a probationer's residence, vehicle, property, and/or property under the probationer's control, may be "administratively" searched, without a warrant, if the following criteria is met:

1. A review of the conditions of probation given to the probationer by the Court determines the conditions of probation include the provision for the search of the probationer's person or property.
2. The Probation Officer has "reasonable grounds" for the search. This may be established by receiving information from an informant or a police officer as long as it can be established that the information is reliable.
3. The Chief Probation Officer has reviewed the grounds for the search and has approved the execution of the search.
4. The Probation Officer conducting the search shall make a written report to the Director of Probation within twenty-four (24) hours of the completion of the search. Any evidence seized during the search shall be kept in the property room of an appropriate Law Enforcement Agency.

PROCEDURES:

- A. The form titled "Request To Search Probationer's Residence, Vehicle, Or Other Property" (Appendix) shall be completed by the supervising Probation Officer and submitted for approval to the Chief Probation Officer.

- B. The Probation Officer submitting the request shall pay special attention to accurately detail the "reasonable grounds" to conduct the search.
1. "Reasonable grounds" may be based on information supplied by an informant, as long as the information provided has some "indicia of reliability". In other words, the informant should be in a position to provide reliable information and/or has provided reliable information in the past. Anonymous tips do not provide "reasonable grounds" unless the information given can be corroborated or confirmed through other sources.
 2. Law Enforcement personnel may provide information that constitutes "reasonable grounds" if the information provided is firsthand knowledge or the information was provided by an informant which meets the criteria of being reliable.
 3. The search shall be based on current and immediate information and not on information received in the past. The authority for "administrative searches" is based on the goals of rehabilitation of the offender and protection of the public. If information is received, which constitutes "reasonable grounds" for a search, the search shall be conducted in a timely manner to receiving the information. Corroboration of past information with current information may provide a basis for "reasonable grounds" even if the current information standing alone does not provide such a basis. If the search is indefinitely delayed, the goals of rehabilitation and protection of the public are not being met.
 4. "Subterfuge" or the appearance of working in conjunction with Law Enforcement to circumvent warrant requirements shall be avoided. The purpose of "administrative searches" is to insure compliance with conditions of probation and such searches should not be used solely as a means of gathering evidence for new criminal proceedings.
- C. The Chief Probation Officer shall review the "Request To Search Probationer's Residence, Vehicle, Or Other Property", and if in order, approve and return the form to the requesting Probation Officer. The request form shall be kept in the Probationer's file. If the request is not approved, the search shall not be conducted.

PREPARATION FOR THE SEARCH:

- A. The primary goal of the search and seizure operation is to **safely** search for contraband in the probationer's possession. To insure this goal is met, the supervising Probation Officer is designated the person in charge of the operation. He/She is responsible for overseeing the operation and shall report directly to the Chief Probation Officer, if the Chief is not involved in the search.
- B. If possible, the supervising Probation Officer shall be aware of the location, the general floor

plan of the dwelling, and the number of residents, at the proposed search site.

- C. Local Law Enforcement may be notified by the supervising Probation Officer as to the purpose and nature of the search. Law Enforcement may be asked to assist in the search for the protection of the Probation Officer and to handle contraband seized as a result of the search. If Law Enforcement is unable to assist, the search may only be conducted with the assistance of at least one other Probation Officer. If Law Enforcement does assist, it is imperative that the Probation Officer be able to easily identify before the search, Law Enforcement personnel and that Law Enforcement personnel be able to easily identify the Probation Officers.
- D. Legal questions concerning the search may be directed to the County Prosecutor by the Chief Probation Officer.
- E. Prior to conducting the search, the Probation Officer shall meet with Law Enforcement personnel assisting in the search and coordinate efforts. The Probation Officer shall provide to Law Enforcement personnel any information that would be helpful in conducting the search and any information which would lead the Probation Officer to believe the probationer could be dangerous.
- F. Prior to arrival at the search site, the supervising Probation Officer shall have in his/her possession: proper identification, the probationer's file, a copy of the Order of Probation waiving the probationer's Fourth Amendment Rights and a photograph of the probationer.

EXECUTION OF THE SEARCH:

- A. Upon arrival at the search site, Officer(s) shall be assigned to the exterior of the premises. The Officers assigned to the exterior should observe anyone trying to escape or remove contraband from the premises.
- B. The Probation Officer and one assistant shall approach the probationer's residence and clearly knock on the door or ring the door bell. When approaching the residence, the Probation Officer shall be careful to observe windows and doorways for signs of activity. The Probation Officer shall stand to one side of doorways or windows when knocking on the door or ringing the doorbell. Under no circumstances shall a Probation Officer or Law Enforcement Officer enter or attempt to enter a residence unannounced.
- C. If an individual answers the door, the Probation Officer shall present his/her identification and explain the nature and circumstances of the search. If the probationer is at the residence, the probationer shall be presented with a copy of the signed Waiver of Fourth Amendment Rights.
- D. It is not necessary for the probationer to be at the residence to conduct the search, however it is preferable. If the probationer is not home, the individual answering the door may be presented with the signed Waiver of Fourth Amendment Rights.
- E. If no one answers the door, reasonable force may be used to enter the residence and conduct the search if "exigent circumstances" exist. "Exigent circumstances" exist where it is likely that

contraband will be destroyed or removed if the search is not immediately executed. "Exigent circumstances" include the presence of the probationer in the residence where the probationer refuses to allow entrance to the Probation Officer.

- F. Upon entry into the residence, a protective sweep shall be immediately made throughout the residence, and if practical, all individuals should be placed in a central area. Each individual may be patted down as a protective measure to discover any weapons. The probationer may be asked to empty his/her pockets, purses, etc. though this intrusion should be avoided of others in the residence.
- G. If the probationer or other individuals in the residence or vehicle to be searched are asked questions which are incriminating in nature and could be used in subsequent criminal prosecutions, a Law Enforcement Officer assisting in the search shall advise the probationer and/or other individuals of their Miranda rights.
- H. Property that belongs to another person may be searched if said property is part of the probationer's residence or vehicle and/or is under the probationer's control.
- I. During the actual search a Probation Officer or a Law Enforcement Officer shall remain in a steadfast, uncompromising position with the probationer and other individual(s) while the others conduct the search.
- J. Generally, in conducting a search, the search shall start with the walls, working towards the center of each room. Doors, cabinets, ceiling tiles, light fixtures, pictures, curtains, television sets, jewelry boxes, phones, stereo speakers, refrigerators, freezers, under couches, chairs, zippered cushions and rugs should be examined. In searching bathrooms, the Officer should look for traps in laundry baskets, under sinks, and for watertight containers inside flush tanks. Prescription bottles should be carefully examined, never taking for granted they contain only the prescription drugs.
- K. If a Probation Officer discovers contraband during the execution of the search, he/she shall leave the contraband in the discovered location if Law Enforcement Personnel are assisting in the search.
- L. If contraband is located in the execution of the search and the contraband is to be used by Law Enforcement to file new criminal charges; the Probation Officer shall defer to procedural guidelines used by Law Enforcement in the handling of such cases.
- M. Law Enforcement personnel assisting in the search are better trained and qualified to conduct the search and the Probation Officer should rely upon their expertise at the search site.
- N. Canine units under the control of Law Enforcement assisting in the search shall be used when practical. The use of canine units, saves time and can have the effect of limiting the

intrusiveness of the search.

FOLLOW-UP TO SEARCH:

- A. Contraband discovered during the search shall be photographed and inventoried by the Law Enforcement Agency assisting in the search.
- B. Contraband which is seized to be used in further proceedings, whether it be probation revocation or new criminal charges, shall be stored in the Evidence Room of the Law Enforcement Agency assisting in the search.
- C. The Probation Officer(s) conducting the search shall submit a written report (Appendix) to the Chief Probation Officer within twenty-four (24) hours of the search.

CHAPTER 9

WARRANT SERVICE/ARREST

Introduction:

Probation Officers may be in situations where probationers are encountered in the office for which an active warrant is outstanding. If the probationer knows a warrant is active, and/or he/she is informed a warrant is active, the impending service of the warrant creates a volatile environment where the safety and security of Probation Officers may be compromised. Incidents have been documented in the State of Indiana where this scenario has resulted in assaults and/or injury to Probation Officers.

A. Powers of Arrest:

1. Under Indiana Law, Probation Officers are not considered Law Enforcement Officers and have no greater authority to make an arrest than the authority granted any citizen. Ind.Code 35-33-1-1 through Ind. Code 35-33-1-4 define which persons are permitted to make an arrest in the State of Indiana.
2. A Probation Officer may make a citizens arrest in accordance with IC 35-33-1-4 "Citizens arrest" :
 - a. Any person may arrest any other person; if:
 1. The other person committed a felony in his presence;
 2. A felony has been committed and he has probable cause to believe that the other person has committed that felony; or
 3. A misdemeanor involving a breach of peace is being committed in his presence and the arrest is necessary to prevent the continuance of the breach of peace.
 - b. A person making an arrest under this section shall, as soon as practical, notify a law enforcement officer and deliver custody of the person arrested to a law enforcement officer.
 - c. The law enforcement officer may process the arrested person as if the officer had arrested him. The officer who receives or processes a person arrested by another under this section is not liable for false arrest or false imprisonment.
3. A Probation Officer shall only make a "Citizens Arrest" if the probationer represents an immediate threat of serious bodily injury or death to the Officer, him/herself, or a third party.
4. A Probation Officer is not authorized to make an arrest based on a warrant.

B. Warrant Service:

1. A Probation Officer shall not attempt to serve a warrant or make an arrest based on a warrant.
2. A Probation Officer shall only inform a probationer of an outstanding warrant when a law enforcement officer is present.

3. A Probation Officer shall not provide information regarding warrants to persons over the phone. If a probationer calls and requests information regarding the status of a warrant, the Probation Officer shall inform the probationer that policy prevents information regarding warrants from being given over the phone.
4. If a probationer is scheduled to report to an appointment and the Probation Officer believes there is an outstanding warrant, the Officer shall:
 - a. Verify that the warrant is active through I.D.A.C.S., the Sheriff's Department, and Court records.
 - b. Obtain a copy of the warrant and place it in the probationer's file.
 - c. Notify the appropriate law enforcement agency of the date and time of the appointment and request they serve the warrant.
5. If a probationer reports unscheduled and the Probation Officer believes there is an outstanding warrant, the Officer shall:
 - a. Verify that the warrant is active through I.D.A.C.S., the Sheriff's Department, and Court records.
 - b. Request a copy of the warrant be faxed to the Department.
 - c. Notify the appropriate law enforcement agency and request their immediate assistance.
 - d. Make no attempt to physically stop, detain, or restrain the probationer from leaving, prior to the service of the warrant.

CHAPTER 9 TRANSPORTATION

Introduction:

Probation Officers may be required to transport adult or juvenile probationers. Preferably, transportation of probationers should be done using County issued vehicles but policy or circumstances may require the use of personal vehicles.

Transportation:

- A. Proper identification shall be available at all times during transportation should problems arise.
- B. Probationers shall be searched prior to transportation.
- C. Transportation of probationers shall be carried out by a minimum of two officers.
- D. If the probationer is handcuffed, the Officer shall assist them while entering or exiting the vehicle.
- E. If probationers are handcuffed; the handcuffs shall be placed behind the back.
- F. Members of the opposite sex shall not be handcuffed together.
- G. Handcuff keys shall not be kept on the key ring used to start the vehicle.
- H. Probationers shall only be transported if placed in the backseat of the vehicle.
- I. All parties shall wear proper seat and shoulder belts.
- J. All vehicle doors shall be locked.
- K. Probationers shall not be permitted to request routes of travel or stops.
- L. Probationers shall not be permitted to converse with anyone other than the transporting Officers.
- M. Officers should avoid transporting probationer of the opposite sex. If a second officer is unavailable, the transporting officer shall radio or phone their destination and report the odometer reading and the time of departure and arrival at destination.

- N. If the probationer appears to be under the influence of alcohol or other drugs the officer shall not transport the probationer.
- O. Officers shall search their vehicles after before and after transport for possible contraband left by probationers.
- P. Officers using personal vehicles shall check with their insurance companies regarding liability.

APPENDIX A

STAFF EMERGENCY INFORMATION

Employee safety in the workplace is one of the primary concerns of management. In view of that concern, every probation employee should provide the following personal information to his/her chief probation officer:

Name: _____

Address: _____

Telephone Number: _____

Emergency Telephone Number: _____

Emergency Contact Person: _____

Insurance Carrier: _____

Policy Number: _____

Family Doctor: _____

Telephone Number: _____

Allergies: _____

Blood Type: _____

Medications: _____

The above information should be maintained in the chief probation officers' office. A copy should be kept in a confidential location in the event of the chief probation officer's absence.

APPENDIX B

VERIFICATION OF RECEIPT OF MANUAL, AGREEMENT TO COMPLY WITH ALL REQUIREMENTS, AND REQUEST TO CARRY A WEAPON

I have received, read, and understand the probation department's weapons policy and agree to comply with all rules, regulations and requirements set forth in the policy.

I understand and agree the use of weapons in violation of the requirements set forth in the policy may result in civil and criminal prosecution.

I understand and agree that use of weapons in violation of the requirements set forth in the policy will result in departmental disciplinary action, including possible termination of employment.

By signing this form, I attest I have requested authorization to carry a weapon in the performance of my official duties.

Date:

Probation Officer _____

Printed Name _____

(Date, sign, and return to Chief Probation Officer)

APPENDIX C

State of Indiana
_____ Court

STATE OF INDIANA)
) SS:
COUNTY OF _____)

ORDER AUTHORIZING THE CARRYING OF A WEAPON IN THE PERFORMANCE OF OFFICIAL DUTIES

_____, Probation Officer, is authorized to carry a weapon in the performance of his/her official duties.

This is conditioned upon:

1. Completion of a weapons training course by an approved training agency.
2. Compliance with the probation department's use of weapons policy.
3. Other: _____

This does not provide immunity from civil or criminal liability should it be determined the Probation Officer acted outside the scope of his/her authority.

So ordered this ____ of _____ 199__.

JUDGE

DATE

APPENDIX D

VERIFICATION OF RECEIPT OF MANUAL, AND REQUEST TO NOT CARRY A FIREARM

I have received, read, and understand the probation department's weapons policy and agree to comply with all rules, regulations and of the requirements set forth in the policy.

I understand and agree the use of weapons in violation of the requirements set forth in the policy will result in departmental disciplinary action, including possible termination of employment.

By signing this form, I attest I have voluntarily requested to not carry a weapon in the performance of my official duties

Probation Officer

Date

Printed Name

(Date, sign, and return to Chief Probation Officer)

Appendix E

INDIANA PROBATION SAFETY INCIDENT REPORT

Name _____

County _____

Date of Incident _____

Time of Incident _____

Place of Incident (check one)

Assailant (check one)

Office _____

Probationer _____

Bystander _____

Court _____

Probationer Family _____

Animal _____

Home Visit _____

Probationer Friend _____

Other _____

Other _____

(attorney, victim, court employee, etc.)

Incident reported to: _____ Date: _____

Type of Assault:

Telephone _____

Letter _____

Verbal _____

Physical _____

Other _____

Narrative:

Previous Incidents as Probation Officer:

Please send completed reports to Mr. Robert Champion, c/o Indiana Judicial Center,
115 W. Washington Street, Suite 1075-South, Indianapolis, IN 46204-3417,
Phone: (317) 232-1313; Fax: (317) 233-3367

APPENDIX

(Name of County)
PROBATION DEPARTMENT
REQUEST TO SEARCH PROBATIONER'S
RESIDENCE, VEHICLE, OR OTHER PROPERTY

Probationer's Name: _____

Probationer's Address: _____

Case Number: _____

Offense: _____

Date Placed On Probation: _____

Date To Be Released From Probation: _____

Conditions of Probation include
provisions for the search: _____ Yes _____ No

Fourth Amendment Waiver of Rights signed: _____ Yes _____ No

Agency(s) assisting in the search: _____

I believe there are "reasonable grounds" to conduct this search based on the following information:

Date _____

Signature _____
Probation Officer

Date _____

Approved _____
Director

APPENDIX

Name of County

**PROBATION DEPARTMENT
SEARCH AND SEIZURE REPORT**

Probationer's Name _____
Probationer's Address _____

Case number _____
Offense _____

Date search occurred _____

Who was present during search _____

If force was necessary to execute search, describe type and amount of force used, including damage to any property _____

List contraband located during search _____

List any evidence seized during the search:

Item	Location	Agency/Officer
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Narrative of events:

STATE OF INDIANA)
)
COUNTY OF _____) SS:

FOURTH AMENDMENT WAIVER OF RIGHTS

AS CONDITION OF PROBATION

Probationer specifically waives any and all rights as to search and seizure under the laws and Constitution of both the United States and the State of Indiana during his/her period of probation. Probationer agrees to submit to search and seizure of his/her person, property, vehicle, residence, and any other property under his/her control, at any time, by any probation officer, and any law enforcement officer accompanying the probation officer.

Probationer waives his/her Sixth Amendment right to consult with an attorney prior to signing this waiver of rights to search.

This waiver may not be revoked during the probation period and reasonable force may be used to effect any search consistent with this waiver.

Probationer is informed of Fourth Amendment rights and hereby knowingly and intentionally waives those rights to the extent provided in this waiver as a condition of probation.

Probationer

Date

Probation Officer